

REMARKS

Claims in the Application. Claims 1, 15, 16, 19, 20, 24, 26, 27, 29, 30, 31, 33 and 35 have been amended. Accordingly, Claims 1-36 are active in this application.

Restriction Under 35 U.S.C § 121. The Examiner has required restriction amongst the following groups:

- I. Claims 1-25 and 36, drawn to a thermal insulating composition, classified in class 525, subclass 329.4; and
- II. Claims 26-35, drawn to a method of insulating a tubing or pipe, classified in class 138, subclass 149.

Applicants elect Group I with traverse. The claims now reading on Group I are Claims 1-25 and 36 and newly amended Claim 30.

The Examiner's basis for restriction is not understood. The Examiner's rationale for requiring restriction is the alleged distinctness between "mutually exclusive species" of Groups I and II "in intermediate-final product relationship." (Paragraph 2 of Office Action.). It is unclear what is being referenced as the "intermediate product," and the "final product". The Examiner continues by stating that "(s)hould applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case". Applicants do not understand the position of the Examiner. The claims of record are directed to a composition and method of use. The claims of record cannot be patentable distinct species of each other because they are not species of each other. The basis for restriction is not clear.

The Examiner further requires an election of species between:

- I. the water-superabsorbent polymer inclusive of the various species expressed in claims 6-12, 36; and
- II. the viscosifying polymer inclusive of the species expressed in claims 20, 23-25.

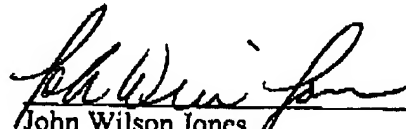
Applicants elect, with traverse, the water-superabsorbent polymers of Claim 10(d), i.e., the starch-grafted acrylamide/acrylic acid and salts thereof and carboxymethylhydroxypropyl guar (CMHPG) as the viscosifying polymer. Claims readable on the elected species are Claims 1-5, 10, 12-19, 21-24 and 30. The

embodiments required for the election of species do not constitute separate species (or separate inventions) but rather constitute separate embodiments of the claimed invention, as set forth in the independent claims of the application.

The Examiner is respectfully requested to reconsider the restriction for purposes set forth above. Should the Examiner elect to persist in the restriction requirement, it is respectfully requested that the reasons be stated as to why the groupings constitute "mutually exclusive species in an intermediate-final product relationship" for purposes of petition.

Respectfully submitted,

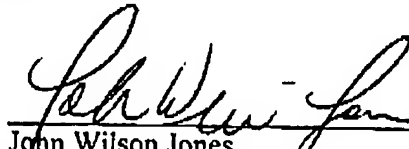
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